

A

COMPLAINT

I reserve my right to amend my complaint based on discovery findings.

B Set of Facts

- 1 Plaintiff is a United States Senior Citizen.
- 2 Plaintiff has Bachelor' Degree in Mining Engineering.
- 3 Plaintiff has certification in Math, Physical Sciences, Mild Moderate Disabilities,
- 4 and Severe Profound Disabilities.
- 5 Plaintiff is Asian by race. (Minority)
- 6 Plaintiff is Hindu by Religion. (Minority)
- 7 Plaintiff has severe profound hearing Disability.
- 8 Plaintiff is from India by National Origin. (Minority)
- 9 Plaintiff had some students causing indiscipline in 6th period of Mr. Emde'
- 10 class room on 9/16/2015. Plaintiff rang bell. There was no response from office.
- 11 Plaintiff found one administrator Mr. Jeremy Reichman in the hall. Plaintiff told
- 12 the administrator about student indiscipline problem. Mr. Jeremy talked with the

1 girl student Ms. Emotion Cohen and took her with him. One other girl student Ms.

2 Daijah Williams immediately walked out of the class and followed her.

3 Plaintiff was called to office in 4th period on 9/17/2015 where Mr. McNeilly

4 (Assistant Principal) told him (Plaintiff) that plaintiff used a curse word in class

5 yesterday in 6th period. It was very shocking and surprising to plaintiff.

6 The plaintiff discussed the implausibility of his using curse word in class.

7 Plaintiff requested Mr. McNeilly to do thorough inquiry as students seemed to

8 have conspired.

9 Mr. McNeilly asked for plaintiff statement which was given to him.

10 Mr. McNeilly then went somewhere and told plaintiff that he (plaintiff) was OK

11 and instructed the secretary to exchange 6th period of plaintiff with some other

12 class.

13 Plaintiff continued working every day till 10/8/2015 when he received a call from

14 Ms. Christi Harder for a meeting at 3pm on 10/8/2015.

15 In the meeting Ms. Carolyn Gray, Director Public Relations informed Plaintiff

16 verbally that his services are no more required and that he shall be paid up to

17 10/8/2015.

18 Plaintiff was not informed of the charges verbally or in writing.

19 Plaintiff was not given any discharge letter.

1 Plaintiff was not told about his appeal rights and procedure verbally or in writing.

2 Plaintiff pleaded that he is being punished for his sincerity.

3 Plaintiff asked if any inquiry has been conducted.

4 Only response of Director Public Relations was, "your services are no more

5 required and you shall be paid up to 10/08/2015."

6 After remaining under shock and anxiety for many days, Plaintiff decided to call

7 Oklahoma Employment Security Commission (OESC) on 10/23/2015 for

8 unemployment benefits.

9 OESC requested OKCPS District on 10/26/2015 to send them (OESC) the reasons

10 of separation.

11 OKCPS District sent reasons of separation on 11/04/2015. (see Exhibit BD5)

12 OESC tribunal hearing was held on 01/19/2016 and unemployment benefits were

13 restored.

14 Following facts were established at the OESC tribunal Hearing,

15 Employer(Defendant) had not talked to student complainants,

16 Employer(Defendant) had not talked to accused (Plaintiff),

17 Employer (Defendant) had no firsthand evidence,

1 Employer(Defendant) had no inquiry findings and

2 Employer(Defendant) had not followed its own discrimination complaints

3 grievance policy and procedures.

4 No misconduct found. Claimant(Plaintiff) was discharged but not for misconduct

5 connected with his work. (see Exhibit BD4)

6 Oklahoma Employment Security Commission had cleared Plaintiff of any

7 wrongdoing.

8 Plaintiff, therefore, tried his best to get an appointment from OKCPS District

9 officials to meet Them, made telephone calls to seek appointment with Chief

10 Human Resource Officer but was not successful in getting any appointment.

11 Plaintiff then made personal visits to seek appointment with Chief Human

12 Resource Officer on 02/22/2016, 03/04/2016 and on 03/22/2016 but was told by

13 her secretary that appointments are not available for next two months.

14 Seeing no possibility to meet and discuss with defendant, Plaintiff had no option

15 but to file a Discrimination Complaint.

16 Plaintiff filed a discrimination complaint at Oklahoma Civil Rights Enforcement

17 (OCRE) on 04/04/2016.

1 Oklahoma Civil Rights Enforcement (OCRE) informed OKCPS District on 5/25/2016
2 about the discrimination complaint and requested a response.
3 OKCPS District sent their response to OCRE on 07/09/2016.
4 OCRE then asked for rebuttal on OKCPS response
5 Plaintiff sent rebuttal on OKCPS response on 09/19/2016.
6 Meanwhile Plaintiff applied for Certified Substitute job for 2016-17 school year.
7 Plaintiff was selected and attended the first batch of Certified Substitute Training
8 on 06/28/2016 at NW Classen High School.
9 Plaintiff attended Substitute Orientation Training and Blood borne Pathogen
10 Training on 07/28/2016 at 900 N Klein OKC OK Administration Building.
11 Plaintiff attended on boarding and Picture ID session on 07/29/2016 at
12 Administration Building and was cleared to accept substitute jobs for 2016-17
13 School year.
14 Plaintiff accepted substitute job for 08/02/2016 at South East High School.
15 Plaintiff worked on the job at SE high School on 08/02/2016.
16 Plaintiff Could not log in for the next day job for 08/03/2016.
17 Plaintiff went next day Morning 08/03/2016 to Administration Building to find out
18 as to why Plaintiff cannot log in.

1 Ms. Shannon Freeman Director Recruitment took plaintiff to Ms. Janis Perrault,
2 Chief Human Resource Officer.

3 Ms. Janis handed over to plaintiff on 8/3/2016 a letter dated 07/29/2016
4 terminating Plaintiff again for one more school year 2016-17 for the same reasons
5 OKCPS had terminated plaintiff in 2015-16 school year. (See Exhibit BD10)

6 Ms. Janis, Chief Human Resource Officer also told Plaintiff verbally, "We will never
7 let you work here, we will repeat it every year".

8 Plaintiff went to OCRE office and gave them copies of the letter terminating
9 Plaintiff for the school year 2016-17.

10 Plaintiff requested OCRE the fate of his Discrimination and retaliation complaints

11 Plaintiff was advised to file amended claim which he did on 02/02/2017.

12 Plaintiff was asked on 03/23/2017 to sign a waiver of confidentiality to allow

13 OCRE to obtain a copy of records from hearing at Oklahoma Employment Security
14 Commission.

15 Plaintiff promptly sent the notarized signed paper to OCRE and personally gave it
16 in OCRE office on 03/27/2017.

17 Plaintiff also received a copy of letter from OCRE to OKCPS district letter dated
18 03/23/2017 along with request for information on disparate treatment.

- 1 Plaintiff made some calls and left messages at Assistant Attorney General Mr.
- 2 Jason King' phone, but Plaintiff could not get any response.
- 3 Plaintiff personally went to OCRE on or around 04/08/2017 to find out if Mr. King
- 4 Assistant Attorney General is on leave.
- 5 Plaintiff was told by receptionist that Mr. Jason King is not with OCRE anymore.
- 6 Plaintiff' case was taken over by Ms. Kara Smith Chief Assistant Attorney General.
- 7 Plaintiff received right to sue letter from OCRE on 09/26/2017.
- 8 Plaintiff requested EEOC on 10/05/2017 to review the decision of State Agency to
- 9 exhaust all Administrative avenues.
- 10 EEOC confirmed State Agencies decision and issued a new right to sue letter on
- 11 Wednesday 1/03/2018. (Exhibit BD11)
- 12 Plaintiff received the letter on Monday 01/08/2018.

CLAIMS

COUNT 1

Deprivation of Due Process Rights

(14th Amendment USA Constitution)

- 1 Plaintiff realleges all the facts stated from Page 1 to Page 7.
- 2 Plaintiff belongs to protected class because of his race (Asian), age (senior citizen)
- 3 national origin (India), religion (Hindu)), Disability (Hard of Hearing).
- 4 Plaintiff is a USA citizen.
- 5 Plaintiff had been working for last 13 years at OKCPD district.
- 6 Plaintiff had no earlier disciplinary issues.
- 7 Plaintiff was well qualified for his job with a Bachelor' degree and Subject
- 8 Certifications in Math, Science, Special Education.
- 9 Plaintiff was not adequately informed of the student allegations by any OKCPS
- 10 Official ~~be~~ even up to and at his discharge meeting on 10/08/2015.
- 11 Even at discharge meeting, Plaintiff was not allowed to tell any facts and was
- 12 cut short and told, "your services are no more required. You shall be paid up to
- 13 today. You can apply next year."

1 Plaintiff had emphatically denied all student allegations and had

2 requested for a thorough inquiry.

3 Plaintiff had requested Mr. McNeilly, Assistant Principal NW Classen High School

4 on 9/17/2015 during 4th period that a thorough inquiry be conducted.

5 Plaintiff had requested Mr. John Wilson Principal NW Classen High School on

6 09/25/2015 during 4th period to conduct a thorough inquiry.

7 Plaintiff has a right of being adequately notified of allegations, opportunity to be

8 effectively heard at the proceedings and the requirement that inquiry be

9 conducted and decided by an impartial tribunal.

10 Deliberate Deprivation of constitutionally guaranteed procedural due process

11 rights and thus terminating him illegally from his job of 13 years had caused

12 irreparable damage to Plaintiff and his family physically, mentally, Socially,

13 emotionally and economically. Damage is beyond repair, more so for senior

14 disabled citizen.

15 Plaintiff, wherefore, requests Honorable Court to order defendant to

16 Provide Plaintiff Compensatory Relief, pain, suffering, emotional distress relief,

17 Punitive damages and any other relief which Honorable Court may deem Plaintiff

18 entitled to.

COUNT 2

Deprivation of Right of equal protection of laws.

(14th amendment of USA CONSTITUTION)

4 Plaintiff realleges all the facts stated on pages 1-9.

5 Plaintiff belongs to protected class due to his Race (Asian), age

6 (Senior Citizen), National origin (India), Religion (Hindu), Disability (hard of
7 hearing).

8 Plaintiff is a US Citizen.

9 Plaintiff was working as a certified substitute teacher for last 13 years.

10 Plaintiff had no prior discipline issues.

11 Plaintiff was well qualified for the job as he had a degree and had Teaching

12 certifications in 4 subjects : Math, Science, mild-moderate/ severe-profound
13 disabilities.

14 Plaintiff was meeting the expectations of his employer and working all school
15 days of every year.

16 Plaintiff has absolutely vulnerability because of his being in absolute minority.

1 Plaintiff is thus easy target of exploitation.

2 Equal protection of laws is constitutionally guaranteed to every USA citizen.

3 There were some complaints from some students and a very forceful denial and

4 request for thorough inquiry from plaintiff.

5 Plaintiff's legal request for inquiry as per defendants own applicable policies and

6 procedures was totally and completely ignored in all its aspects of filing of

7 complaints, investigation, decision making and appeal procedures.

8 Student complaints were totally believed

9 without even interviewing students,

10 without even verifying documentary evidence,

11 without even carefully reading the complaints,

12 without even examining plausibility and visualizing the scenario of the class.

13 Plaintiff who is from protected class on various grounds and thus very vulnerable

14 was totally and completely deprived of right of equal protection of laws

15 while students of particular race were provided special preferential treatment in

16 violation of Civil Rights Laws and 14th amendment of USA constitution.

17 Plaintiff was thus illegally terminated from his job on 10/08/2015 causing the

18 Plaintiff and his family immense, irreparable harm physically, mentally, socially,

1 emotionally, economically on a continuing basis designed to deliberately harass
2 and torture him.

3 Plaintiff, wherefore, requests Honorable Court to order Defendant to provide

4 Plaintiff compensatory relief, pain, suffering, emotional distress relief, punitive

5 damages and any other relief as Honorable Court deems plaintiff entitled to.

COUNT 3

DISCRIMINATION

Plaintiff realleges all above facts. *from Page 1 to Page 13.*

Plaintiff belongs to protected class because of his race (Asian), National Origin

(India), Religion (Hindu), Disability (hard of hearing), Age (Senior Citizen)

Plaintiff is thus very vulnerable due to being in absolute minority and thus easy target of exploitation and taken advantage of.

Plaintiff was working to the satisfaction of defendant and meeting the expectations by obtaining professional certifications in Math, Science and Special Education as well as working every school day of every year.

Plaintiff had no disciplinary issues of any kind whatsoever.

Plaintiff was terminated on 10/08/2015 by defendant.

Plaintiff was terminated under suspicious circumstances which give rise to an inference of Discrimination.

(1) Student complaints' authenticity, credibility and reliability was not verified.

(2) Student complaints were implausible for a classroom setting.

(3) Student complaints were not investigated as per defendant's own mandatory discrimination complaints policies and procedures G-02-R1.

1 (4) Plaintiff was not informed even at discharge meeting on 10/08/2015 by
2 Director Public Relations or Substitute Coordinator of what the student
3 complaints were.

4 (5) Plaintiff was deprived of his constitutionally guaranteed due process
5 procedural rights under 14th amendment of constitution of USA

6 (a) by not being adequately notified of proceedings against him,

7 (b) by not being given the opportunity to be effectively heard at these meetings,

8 and (c) by defendant not meeting the requirement that proceedings be

9 conducted and decided by an impartial tribunal.

10 (6) Plaintiff was also deprived of Right of equal protection of law under 14th

11 amendment to the Constitution of USA

12 when his legal requests to conduct thorough inquiry as per defendant's own

13 applicable student discrimination complaints and grievance procedure was totally

14 ignored and preferential partial treatment was provided to students of a

15 particular race and age in violation of equal protection of law clause.

16 (7) Defendant has also kept providing inconsistent shifting explanations

17 for adverse employment actions taken for discriminatory discharge on

18 10/08/2015.

(a) Student complaints were different at Oklahoma Employment Security

Commission on 11/04/2015.

(b) Student Complaints were different at Oklahoma Civil Rights Enforcement

on 07/09/2016.

Defendant has a student Discrimination Complaints and Grievance Procedure.

Defendant alleges there were discrimination complaints by students.

Defendant had a duty to follow these Discrimination Complaints Procedures to

investigate student discrimination complaints as the Procedures were mandatory

and not discretionary.

By not following their own regulations and procedures Defendant has

intentionally deprived plaintiff of procedural safeguards provided under its own

regulation to the Plaintiff.

Defendant has made changes to Nondiscrimination Policy G-02 on 07/01/2016

and on 01/17/2017 during investigation of Plaintiff Complaint.

Defendant has also made changes to anti-Harassment policy G-04 on 01/17/2017

during pendency of investigation of Plaintiff case by OCRE. Defendant has also

completely changed the Discrimination Complaints and Grievance Procedure

1 G-02-R1 on 01/17/2017 during the pendency of investigation of Plaintiff case by
2 OCRE.

3 There was obstruction to Justice at OCRE when the investigating Assistant
4 Attorney General Mr. Jason King was removed from the Plaintiff' case and from
5 his job on or around 04/08/2017 after he sought more information and facts from
6 OKCPS district.

7 Defendant has inflicted and is continuing to inflict physical, mental, emotional,
8 social, economic irreparable injuries through its reckless, intentional adverse
9 actions.

10 Wherefore plaintiff requests honorable Court to kindly order defendant to pay
11 Plaintiff Compensatory relief, mental Emotional suffering Relief and Punitive
12 Damages to restrain Defendant in engaging in such acts in future.

COUNT 4

RETALIATION

Plaintiff realleges all above facts *from page 1 to Page 16*.

Plaintiff was working as certified substitute teacher at OKCPS district for last 13 years.

Plaintiff had no earlier disciplinary issues.

Plaintiff belongs to protected class due to his race (Asian), National origin (India), religion (Hindu), Disability (Hard of hearing), Age (Senior Citizen)

Plaintiff was terminated on 10/08/2015 without conducting mandatory investigation as per their own student discrimination complaints and grievance procedure in spite of repeated requests by plaintiff to conduct a thorough investigation.

Plaintiff was engaged in protected activity of having filed discrimination complaint against OKCPS District at OCRE (Oklahoma Civil Rights Enforcement) on 04/04/2016.

1 OCRE prepared charges and sent letter to OKCPS on 05/25/2016 informing OKCPS
2 of charges and sought their response to specific requests.

3 OKCPS district sent their response to OCRE on 07/09/2016.

4 Plaintiff had applied for a certified substitute job at OKCPS for 2016-17 school
5 year.

6 Plaintiff was selected and asked to attend training on 06/28/2016.

7 Plaintiff attended training on 06/28/2016 at Northwest Classen High School.

8 Plaintiff attended substitute orientation training and bloodborne pathogen
9 training on 07/28/2016 at Administration Building OKCPS.

10 Plaintiff attended Onboarding and Picture ID session on 07/29/2016 at
11 Administration Building OKCPS.

12 Plaintiff completed all procedural formalities and was cleared to accept jobs for
13 2016-17 school year.

14 Plaintiff accepted job for an assignment at Southeast High School on 08/02/2016.

15 Plaintiff worked on the assignment at 08/02/2016 at South East High School.

16 Plaintiff tried to login in on 08/02/2016 evening to take job for next day but failed
17 to login.

1 Plaintiff went to OKCPS Administration Building on 08/03/2016 morning and
2 contacted Ms. Shannon Freeman Director Recruitment the reason for failure to
3 login.

4 Ms. Freeman took Plaintiff to Ms. Janis Perrault Chief Human Resource Officer.

5 Ms. Janis gave Plaintiff a letter terminating him again for the same reasons for
6 2016-17 school year.

7 Ms. Janis also verbally told Plaintiff that they shall never let Plaintiff work at
8 OKCPS.

9 The first letter of Ms. Janis dated 03/28/2016 (more than 5 months after
10 termination on 10/08/2015)

11 Summarizes for the first time Student allegations;

12 Admits no inquiry was ever done;

13 Admits allegations were never clarified earlier;

14 Admits plaintiff made efforts to get appointment and requests were denied;

15 Guarantees "nothing in this letter can prevent plaintiff from applying next school
16 year 2016-17." (see Exhibit Q)

17 The second letter of Ms. Janis Chief Human Resource Officer OKCPS (written 4

18 months later of her first letter) on 07/29/2016 converts allegations to facts, talks

19 , of an investigation done into the allegations without providing details or results of

1 investigation and terminating plaintiff again on 08/03/2016 for the second time
2 for the same reasons for which plaintiff was fired on 10/08/2015 in 2015-16 year.

3 The Causal connection between engaging in protected activity and adverse
4 employment is very clear direct documentary proof as (see Exhibit BD10)

5 OKCPS was aware that they had terminated Plaintiff services on 10/08/2015.

6 OKCPS was aware that Plaintiff had applied for unemployment benefits at
7 Oklahoma Employment Security Commission and was granted unemployment
8 benefits as OKCPS was a party in OESC tribunal hearing on 01/19/2016.

9 OKCPS was aware that Plaintiff had filed discrimination charges against OKCPS at
10 OCRE (Oklahoma Civil Rights Enforcement) as they were informed by OCRE vide
11 their letter dated 05/25/2016 and OCRE had asked for OKCPS response.

12 OKCPS was aware of protected activity because they had sent their response to
13 OCRE on 07/09/2016.

14 Only thing which has happened between the two letters of Chief Human Resource
15 Officer dated 03/28/2016 and 07/29/2016 is filing of discrimination complaints at
16 OCRE (Oklahoma Civil Rights Authority) on 04/04/2016.

17 OCRE informed OKCPS of discrimination complaints on 05/25/2016

1 'But For' Retaliatory animus is satisfied as Chief Human Resource Officer had
2 already stated in her letter dated 3/28/2016, "nothing in this letter can prevent
3 you from applying next year". Only thing outside that letter was Retaliatory
4 Animus which could not prevent applying for 2016-17 school year but resulted in
5 second illegal retaliatory termination after working for a day in 2016-17 school
6 year.

7 In OKCPS response dated 07/09/2016 Mr. Brandon Carey, General Counsel OKCPS
8 also stated at page 6 para 1 of OKCPS response dated 07/09/2016 that Plaintiff
9 could reapply 2016-17 school year.

10 It was an act of intentional retaliation, harassment.

11 Plaintiff had to suffer continued physical hardships, mental anxiety, emotional
12 distress, economic hardships, social isolation, family embarrassment and the
13 same is still continuing.

14 Wherefore the Plaintiff requests Honorable Court to order defendant to pay
15 Compensatory Relief, Attorney fees and costs, mental anxiety, emotional distress
16 relief, Punitive Damages and such other relief which Honorable Court may deem
17 Plaintiff entitled to.